SECOND GRADE PLEADERS.

MR. D. C. JOSEPH (*Agastisvaram*) : Sir, I beg to move the following resolution :—

> "This Council recommends to the Government that the Second Grade Pleaders of Travancore may be authorised to plead and act in their respective District Courts, under rules which may be framed by the High Court for the same".

Sir, the object of my bringing forward this resolution which was sufficiently and elaborately discussed in the Second Council is to draw the attention of this House to the meritorious and efficient services rendered by the Second Grade Pleaders in Travancore. By this resolution I do not mean that we are wanting in Graduates in Law. Luckily we are having a Law College well equipped and it is producing thousands of young men well qualified and well equipped for the dispensation of justice in Travancore. Already our Law Courts are overcrowded with Lawyers, both Second Grade Pleaders and Graduates in Law. Perhaps my learned friends on this side of the House may plead that this resolution will add men to the already overcrowded ranks of Vakils in the Munsiffs' Courts and in the District Courts. But when we take into consideration the large amount or rather the voluminous amount of work turned out by this class of people we should candidly admit that their services must be recognised by this House. There was a time when the services rendered by this class of people were recognised by the High Court who passed a ruling that those who secured something like 50 per cent of the marks in the Pleadership Examination were allowed to enrol themselves as District Court Vakils. But in course of time when the Graduates in Law overcrowded the bar, I think, this ruling was modified and now only graduates in law are allowed to practise in District Courts. What I beg to submit is that these Second Grade Pleaders are doing a real service to the litigant public. From a pecuniary point of view also they are always accessible. If we look into the latest statistics the Second Grade Pleaders are responsible for 73,633 cases and the money value of the same comes to Rs. 11,06,21,000. Further, of these, 73,633 cases, only 3,713 went to the appellate courts. Accordingly, 3,383 cases covering a money value of Rs. 1,49,36,000 remained unappealed against. By these facts we have to admit that the initial work is being done or rather shaped by these vakils. The majority of these cases are decided in Munsiff's Courts and if at all appeals go up, it is only a small number. Therefore the work done by these Second Grade Pleaders deserves our encouragement. In the year 1912 the Madras Government passed an order that these Second Grade Pleaders also should be allowed to be enrolled in the District Courts. So when we make a true copy of the prevailing conditions of the Madras Presidency, why not we follow this principle enunciated outside? By doing so, I do not think the cases which are now handed over to our educated Graduates in Law will diminish. The people are better judges and they would not care for cheap popularity and they are shrewd enough to pick up the right person for entrusting their case. As matters stand at present we do not find any confusion or disharmony among the vakils of the State. We have not the least

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grudge against these Second Grade Pleaders. They are doing their duties with marked efficiency in the administration of law. Further when a man comes from outside the State with the title of Barrister-at-Law he is permitted to rise to the highest tribunal though he may not have any knowledge of the Laws and Regulations of the country. So I ask, why not then our men who are mainly responsible for the peace and harmony of the various subjects of the State be also given opportunities to enter service. So with these words, I request the learned Law Member and especially the members on this side of the House to bestow a sympathetic and careful consideration on the resolution and see that it is passed. With these words I place the resolution before the House.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I second the resolution moved by Mr. D. C. Joseph. Sir, it may be a little bit awkward on the part of a Second Grade Pleader to support the resolution moved in favour of elevating their position to the stage of District Court Vakils. So far as the vakils of Travancore are at present concerned, I do not mean to say that there need not be any distinction. Starvation waits at the doors of B. Ls., M. Ls., the First Grade Pleaders, the Second Grade Pleaders and Criminal Vakils. The survival of the fittest is the test that is applied here.

MR. MATTHEW MURIKKAN (*Vaikam*): May I know from the member on what authority he bases his statement?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): From my practical experience. If anybody were to ask a vakil it would be ridiculous on the part of that vakil or below his dignity to expose his position. I know, Sir, there are instances of attachments and decree debts connected with vakils of various status. I go into such details, though a little bit out of the way, simply because there is a resolution sent up by me, though it has not been balloted, I bring it to the notice of the House that it is the duty of Government to safeguard the interests of these vakils. They are, as it were, an ornament to Government as well as to the public; they are the mediators of the Government as well as the citizens and it is the duty of Government as well as the citizens of the State to see that their self-respect and their status are maintained. I know there is another resolution balloted, that is to be taken very shortly *i. e.*, that 50 per cent of the Magistrates should be recruited from the Bar. That may probably be saying that a set of vakils having a better education and status be offered places in Government service. All these are considerations which would convince the Government that there is unemployment among vakils. The Unemployment Committee also have made observations and recommended improvements and there are statistics also referred to in the report. So, I do not mean to say that this would be the data for me to convince you to elevate the status of the Second Grade Pleaders. I would draw your attention to this fact that many of the B. L's in Travancore are persons who are enrolled as High

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Court Vakils and they get chances to become Munsiffs at present. Now there is a request coming in the shape of a resolution that one half of the Magistrates should be recruited from the Bar. I am sure the chances will go to B. Ls. I would have honoured that resolution if it was worded otherwise as the recruitment of Sub Registrars, Excise Inspectors and Police Inspectors and so on also.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the member talking on this resolution?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): These are the grounds on which I base my arguments to show that this resolution should be seconded and heartily supported by all. If a portion of the B. Ls are elevated to places of Munsiffs and Magistrates, there would be vacancies in the District Courts. My friend Mr. Murikkan asked me whether I was aware of the condition of B. Ls or M. Ls. I am sure that no vakil of promising character would accept the place of a Magistrate or of a Munsiff. The mere fact that they will go in for appointment.....

MR. MATTHEW MURIKKAN (*Vaikam*): Does the member think that he has answered me?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): The fact is that in Civil Courts ordinary raw B. Ls will not be in a position to draft a written statement or a plaint. All these are written by these Munsiff's Court Vakils. I am sure even the High Court Judges would certify to the fact that only experience would teach vakils to prepare written statements and plaints.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know from the member why not then allow a portion of the legal practitioners to specialise in original practice?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): That also has to be considered and it will be advisable to leave this document writing business, conveyance etc., to these men so that they may specialise in them. With these words I would strongly request this side of the House to see that the Second Grade Pleaders are encouraged.

MR. V. CHELLAM PILLAI (*Tovala*): May I know from the member whether any special training is necessary to practise in the District Court?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): What I say is that the so-called Lawyers of Travancore might not have seen all the legislations passed by this House.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Will the member please explain what he means by 'so-called lawyers'?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Is it an explanation or an answer to the question that the member wants?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Explanation.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): The lawyers in Travancore must be generally well-versed in all the legislations passed in this Council and the so-called present High Court Vakils are versed only in the Jenmi Kudiyan's and such other

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[Mr. T. C. Kesava Pillai.]

Regulations and they are not well versed in the Income-Tax and ever so many other Regulations. I would even draw the attention of the High Court to enforce that every lawyer should be well versed in all the Regulations of the State and he must be in a position to pick out a particular Section of a particular Regulation whenever required. I am sure my friend Mr. Krishna Pillai will not be in a position to point out a particular Section of a particular Regulation passed by this Council if he is asked to do so. So, what I submit is that every lawyer must be well versed so as to point out a particular Section of any Regulation passed by this Council.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Sir, in opposing this motion I know I am inviting the wrath of a good many of my friends. But to do justice to my position and justice to the litigant public I will have to oppose it. A friend of mine, a councillor, says that he does not want to incur the displeasure of these Munsiff's Court Vakils who were so serviceable to him during the last election and if he would say a word against them he would have no chance of success during the next election.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Does the member say that he is a coward?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): The member can more or less infer.

MR. A. THANU PILLAI (*Trivandrum*): Does the member admit that there are Munsiff's Court Vakils who are well off?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): There are; but from exceptions a general deduction could never be made. I submit this should not be the attitude we have to take while discussing matters of public importance. Efficiency should not be impaired and the litigant public should be supplied with the necessary efficient men for services required from the legal profession.

MR. D. C. JOSEPH (*Agastisvaram*): Is the member aware that a Second Grade Pleader was appointed as a Munsiff?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Yes; those are exceptions. Therefore in considering these questions the question of efficiency ought always to be kept in view.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Will my friend tell me what the test for efficiency is?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): If the member would patiently wait till I finish my speech I think he can clear his difficulties.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): It is not a personal matter that I am asking. I want the explanation of the word "efficiency".

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): I may refer the member to the dictionary.

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MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*): Is it to be decided by the number of cases handled by a vakil?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): I submit that a Munsiff's Court vakil is generally supposed to be not provided with the necessary qualifications to conduct cases in the District Court.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the member whether the curricula of studies are not enough?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Yes, they are not enough.

MR. D. C. JOSEPH (*Agastisvaram*): Is the member aware that there are vakils in the District Court who are more efficient than B. L's.?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Yes, by a long course of practice in the District Court and also by a higher course of curricula which they had to go through at the examination, they were provided with the necessary qualifications to practise in the District Court. It is not so with the case of the raw pleaders at this time.

MR. V. CHELLAM PILLAI (*Tovala*): Suppose these people are allowed to undergo such an examination?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Of course I have no objection; they are allowed to undergo such an examination and that is B. L. Examination.

MR. V. CHELLAM PILLAI (*Tovala*): As in the olden days?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): I stated a little while ago that those vakils who were practising in the District Courts had to undergo a certain examination.

MR. V. CHELLAM PILLAI (*Tovala*): Does the member know that vakils who have had no training in colleges were allowed to practise in the High Court?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): There was a time when litigation was not ripe and the applications of law were not so difficult when a small smattering of the then existing law would have been sufficient. But it is not the case now.

MR. V. CHELLAM PILLAI (*Tovala*): Is the member of opinion that those vakils were more efficent than the present vakils?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): They were efficient for the time and for the administration of the law then prevailing.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): How is this efficiency tested?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): There is the general standard of examination.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): Is examination alone to be the standard for testing efficiency?

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MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): It is supposed to be the test.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Am I to understand that the present standard is not sufficient?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Not sufficient for giving Sannads to persons who have passed the Pleadership Examination to practise in the District Courts.

MR. P. S. MAHOMED (*Nominated*): മുൻസീഫ് കോർട്ടിലും ഡിസ്ട്രിക്ട് കോർട്ടിലും ലാ ബുക്കുകൾ പ്രത്യേകം പ്രത്യേകമാണോ ?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): I said I was inviting the wrath of my friends who are qualified only to practise in Munsiffs' Courts.

MR. D. C. JOSEPH (*Agastisvaram*): Has the member anything to say about the Law makers of Travancore?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): It is irrelevant and we are not going to say anything about the law-makers. Therefore to do justice to the litigant public these gentlemen should not be given permission to practise in District courts. I submit that every person is assigned a proper place in every walk of life. A Munsiff's Court vakil is only qualified to practise in a Munsiff's Court as he is provided only with those materials which are required of him by a person who goes to conduct a case there. It is not so in the case of Vakils who are B. Ls and are practising in the District Court and I think it will be holding out a a premium for inefficiency if any license is granted to these gentlemen to practise in the District Courts. The litigant public, of course, would run up to the man who demands a lowest fee and as my friend was saying that there is starvation awaiting at the doors of every vakil, I think it will be demoralising the profession if these people are also allowed to practise in the District Courts which are already overcrowded.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): May I tell my friend that many of the leaders in District Courts are pleaders in District Courts and not B. L's?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): I am not concerned with it. There are sufficient number of B. L's at present who do not find work in Munsiff's Courts. I think it is in contemplation to abolish the Pleadership Examination in view of the large number of B. L's that are coming out of our College every year. The supply at present is more than the demand. Under such circumstances it is not absolutely necessary to extend this right to practise in District Courts to Munsiff's Court Pleaders as well. Even a time limit is not mentioned in the resolution. Of course, if it were urged that a vakil who has put in a practice for a certain number of years in the Munsiff's Court and equipped himself with the necessary training is to be allowed this right, there would have been some sense at least. But as in this

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case, to allow a pleader after getting through his examination in the college to practise in the District Court, it would be most unjust to the litigant public and therefore I strongly oppose the resolution.

MR. D. C. JOSEPH (*Agastisvaram*): Are not Second Grade Pleaders conducting the majority of cases in Munsiff's Courts?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): They are quite sufficient to conduct cases there.

The Council adjourned for lunch at 2 P. M. and reassembled at 2'45 P. M. with the Deputy President in the Chair.

MR. R. RAMAN PILLAI (*Kottayam*): It is with great regret that I have to oppose the resolution brought forward by Mr. D. C. Joseph. At the outset, I may say, I have personal acquaintance with many Second Grade pleaders and my experience goes against the views expressed by the mover of the resolution.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Is the member speaking in the capacity of an officer or a private citizen?

MR. R. RAMAN PILLAI (*Kottayam*): I am speaking as a litigant and not as a Vakil. The majority of the Second Grade Pleaders are in my opinion unfit to be vakils of Munsiff's Courts even. About 20 per cent of them are efficient vakils. In several Munsiff's Courts, cases involving complicated law points do not come up for decision, while in District Courts there come up big civil suits on which the maximum court fee has to be paid. If the Second Grade pleaders are asked to prepare plaints in such suits without the party being present, I think the parties should be very wary when signing the plaints. The reason for this is that after leaving the Law Class, the Second Grade pleaders do rarely read law books but they go on with the law suits. The almirahs of several of the Second Grade pleaders are only *vinjapettis*; the books they gather and keep for reference are very few. They do not keep even the T. L. R. series. The Unrepealed Regulations will not also be available in the office of the Second Grade pleaders. I know there are several efficient Second Grade pleaders, who are better fitted to be vakils than many of the graduates in law and who are really ornaments to the profession.

A certain friend of mine observed that raw graduates are unfit to prepare original plaints. I do not know what to say about that argument. But I can say from my experience that a large number of the Second Grade pleaders are dependent upon their clerks.

Further, these graduates in law spend a very good amount of money to acquire that degree. At least they will have to spend Rs. 5,000 more than these Second Grade pleaders. If we allow these Second Grade pleaders to practise in the District Courts, where are these graduates in law to go?

Again, criminal cases are not conducted in several of the Munsiff's courts. There are criminal cases only on the files of Munsiff-Magistrate's courts. In the District Courts there will be criminal cases since the District Judges are also Sessions Judges. If the Second Grade

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pleaders are allowed to practise in the District Courts, they will offer themselves for a lower rate and the clients engaging these Second Grade pleaders will find that their suits are lost.

As I said before, several of the vakils are without even reference books. How is it possible for them therefore to conduct big cases in which several important points of law come up for decision? If they are allowed to conduct such cases I do not know what will be the fate of the poor litigants.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Does the member mean that all the graduates in law who are vakils have got all the law reference books?

MR. R. RAMAN PILLAI (*Kottayam*): I do not say that. No man will be able to gather all the law books published and keep them for ready reference. It is quite impracticable and impossible, but graduates in law are expected to keep a larger number of books than the Second Grade pleaders. There are, it is true, a few Second Grade pleaders who keep several books for reference and who are very well versed in law.

MR. T. C. KESAVA PILLAI (*Kaikulam cum Vilavankod*): Has my friend Mr. Raman Pillai any objection in allowing such vakils to practise in the District Courts?

MR. R. RAMAN PILLAI (*Kottayam*): I have no objection whatever to such vakils being permitted to practise in the District Courts. But the resolution as it stands contemplates that all the Second Grade pleaders should be allowed to practise in the District Courts, and that can never be supported.

I shall mention another reason why the Second Grade pleaders should not be permitted to practise in the District Courts. There may be certain private gentlemen who may be better than several graduates in law. If I go for example to our Honourable High Court and if I am allowed to speak in my mother tongue, I am sure, I will be able to conduct several suits better than many graduates in law. If litigants who are able to conduct cases are permitted to argue their cases in the High Court, then I think the Second Grade pleaders can be allowed to argue in the District Courts. In olden times there were not to be found many graduates in law in our State. I know several vakils who were practising in every court and who had no knowledge of English. They were able to conduct their cases. But I do not argue that Second Grade pleaders are efficient enough to handle big cases in the District Court. I only say that as a rule it cannot be allowed. If this be allowed, going a little further, why not pleaders be appointed as High Court Judges. It might be argued that they also know law. In the High Court there is only argument. I beg to submit that such contentions cannot stand. It is in the District Courts that the foundation of suits is laid. If we lay the foundation in a rather flimsy fashion, I do not think

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that the monument will stand. A certain vakil of nearly 16 years' standing and having a very great practice in a certain Munsiff's Court was entrusted with the business of preparing a plaint. Unfortunately for the client, while he was travelling to Mundakkayam in his own car, he asked the vakil's clerk to bring the plaint for signature; the result was that that the suit was dismissed.

DEPUTY PRESIDENT: Your time is up.

MR. R. RAMAN PILLAI (*Kottayam*): With these observations I strongly oppose the resolution brought forward by Mr. D. C. Joseph.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): സർ: മി: ഡി. സി. ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള പ്രമേയത്തെ ഞാനും പ്രതിക്രലിക്കതന്നെ ചെയ്യുന്നു. ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു തക്ക പ്രാപ്തിയും സാമത്ഥ്യവുമുള്ള മുൻസീഫ് കോടതി വക്കീലന്മാർ ധാരാളം ഉണ്ടായിരിക്കാം. എന്നാൽ ഈ പ്രമേയം ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള രീതിയിൽ അതായതു മുൻസീഫ് കോടതിയിൽ ഇപ്പോൾ പ്രാക്ടീസ്ചെയ്യുവരുന്ന വക്കീലന്മാരെ ജില്ലാക്കോടതിയിൽ കൂടി പ്രാക്ടീസ്ചെയ്യുന്നതിനു അനുവദിക്കണമെന്നുള്ളതിനെ പിൻതാങ്ങാൻ ഞാൻ യാതൊരു മാർഗ്ഗവും കാണുന്നില്ല.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Will the member kindly read the latter part of the resolution?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): അപ്പോഴപ്പോൾ ഹൈക്കോടതി പ്രെയിം ചെയ്യുന്ന രൂപം അനുസരിച്ചു എന്നു പറഞ്ഞിട്ടുണ്ട്. എന്നാൽ മുമ്പു സെക്കൻറ് ഗ്രേഡ് പ്ലീഡറായിട്ടു അഞ്ചുകൊല്ലത്തെ പഴക്കമുണ്ടായിരുന്നാൽ ഫസ്റ്റ് ഗ്രേഡ് പ്ലീഡർ പരീക്ഷയ്ക്കു ചേരാമെന്നുണ്ടായിരുന്നു. അതനുസരിച്ചു മുൻസീഫ് കോടതിയിൽ വ്യവഹരിക്കുന്ന സെക്കൻറ് ഗ്രേഡ് പ്ലീഡർമാർ ഫർസ്റ്റ് ഗ്രേഡ് പ്ലീഡർഷിപ്പ് എക്സാമിനേഷനു ചേരുകയും അതിൽ പാസ്സാകുന്ന ആളുകൾക്കു ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കാനുള്ള അനുവാദം കൊടുക്കയും ചെയ്തിരുന്നു. ഇപ്പോൾ അതു നിർത്തൽ ചെയ്തിരിക്കയാണു്. ഇങ്ങനെ നിർത്തൽചെയ്തതിൽ സെക്കൻറ് ഗ്രേഡ് പ്ലീഡർമാർക്കു സങ്കടമുണ്ടായിരുന്നെങ്കിൽ അതിനെ സംബന്ധിച്ചു വേണ്ട പ്രക്ഷോഭനം നടത്താനുള്ള ഒരു സന്ദർഭം അവർക്കുണ്ടായിരുന്നു. അതുകഴിഞ്ഞു ഇപ്പോൾ ഈ കൌൺസിലിൽ ഏതാനും മുൻസീഫ്കോർട്ട് വക്കീലന്മാർക്കുവേണ്ടി പ്രാതിനിധ്യം വഹിക്കുന്നതിനു ഇവന്നതുകൊണ്ടു അതിൽ ചിലർ ഇതിനെ പിൻതാങ്ങിയതാണു്.

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*): Is member referring to himself?

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DEPUTY PRESIDENT: You have to address your observations to me and not to the member.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): ഇതു ഒരവസരമായിട്ടു ഉപയോഗിക്കുന്നതു അനുവദിക്കത്തക്കതല്ല.

MR. P. S. MAHOMED (*Nominated*): കഴിഞ്ഞതവണ ഇരം കൌൺസിലിൽ ഇങ്ങനെ ഒരു പ്രമേയം ഉണ്ടായിരുന്നതായിട്ടറിയാമോ?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): അറിയാം. അതിനു വളരെ മുമ്പാണ് ഇരം പരീക്ഷ നിർത്തൽചെയ്തതു്. കഴിഞ്ഞ തവണ ആ പ്രമേയം അവതരിപ്പിച്ചതു തന്നെ ഒരു മുൻസീഫ് കോർട്ടുവക്കീലാണെന്നു തോന്നുന്നു.

മുൻസീഫ് കോടതിവക്കീലന്മാക്കു ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനനുവാദം കൊടുക്കുന്നതിൽ എനിക്കൊരു തടസ്ഥവുമില്ല. എന്നാൽ ഇരം ടെക്നിക്കൽ ക്വാളിഫിക്കേഷൻ മാത്രം പോരാ. കുറെ ഒക്കെ ജനറൽനാളേജും ഉണ്ടായിരിക്കണം. അതിലേക്കു കാളേജ് എഡ്യൂക്കേഷൻ ഇല്ലാതെ സാധിക്കയില്ല. സ്കൂൾ ഫയിനലോ ഇൻറർ മീഡിയേറോ പസ്സായിട്ടു പിന്നീടു പ്ലീഡർഷിപ്പു പാസ്സായി വരുന്നവരെക്കാൾ ബി. എ. പാസ്സായി ബി. എൽ–ഉം പാസ്സായിവ്യവഹരിക്കാൻ വരുവന്നക്കാണ് നിയമസംബന്ധമായവാദപ്രതിവാദത്തിനുസാമർത്ഥ്യമുള്ളതു്. ഇരംശരാനുഗ്രഹം കൊണ്ടു അങ്ങിനെയുള്ള ആളുകൾ ജില്ലാക്കോടതിയിൽ പ്രാക്ടീസ് ചെയ്യാൻ ഇപ്പോൾ ധാരാളമുണ്ടു്. അതുകൊണ്ടും അവരുടെ സംഖ്യസീമാതീതമായിട്ടു വർദ്ധിച്ചും വരുന്നുണ്ടു്. ഇരംസ്ഥിതിക്കു് മുൻസീഫ് കോടതിയിൽ വ്യവഹരിക്കുന്ന ഡെക്കൻറ് ഗ്രേഡ് പ്ലീഡേർസിനെ ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവാദം കൊടുക്കേണ്ട ആവശ്യമില്ല.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): May I know whether a graduate who passes the pleadership examination can be allowed to practice in the District Courts?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): I have already resumed my seat.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): But I made this observation before you resumed your seat.

MR. ITTOOP ITTEECHAN (*Kunnatnad*): ഞാൻ മിസ്റ്റർ ജോസഫിന്റെ പ്രമേയത്തെ പ്രതിക്രുലിക്കുന്നു. ഇപ്പോൾ മുൻസീഫ് കോടതിയിൽ ഒരുകേസ് കൊടുക്കുന്നു. ഒന്നുകിൽവാദിഭാഗം ജയിക്കും ഇല്ലെങ്കിൽ പ്രതിഭാഗം ജയിക്കും. അങ്ങിനെ വരുമ്പോൾ ഇരം വക്കീലന്മാർ ഓരോ തക്കങ്ങൾ പറഞ്ഞു അതുതന്നെ വീണ്ടും ജില്ലാക്കോടതിയിൽ വ്യവ

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ഹരീക്കാൻ ഇടവരുത്തും അതു നിമിത്തം കക്ഷികൾക്കു സാരമായ നഷ്ട ത്തിനുകാരണമായി തീർന്നേയ്ക്കാം. അതുകൊണ്ടു ഒരാം പ്രമേയത്തെ ഒരു വിധത്തിലും അനുകൂലിക്കാൻ നിവൃത്തിയില്ല.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Sir, I rise to support the resolution. When more than a year ago a resolution on the same matter was discussed before this House I supported that resolution and I do not think that there is any reason why I should change now my views then expressed. Then Mr. Subba Aiyar, the then Law Member, seems to have suggested that the Government might find their way to view this recommendation with favour if the details were left to the High Court and to the rules were to be framed by the High Court. I think Mr. Joseph has framed this resolution with due deference to that suggestion. Now Mr. G. P. Nilakanta Pillai seems to apprehend that the standard of examination fixed for the Second Grade pleaders is not sufficiently high to enable them to practise in District Courts. My submission is that the latter part of the resolution referring to the rules to be framed by the High Court is wide enough to cover such considerations. The High Court may fix a standard higher than even Mr. G. P. Nilakanta Pillai may like to. My friend Mr. Pachu Pillai suggested that a separate examination may be held for the Second Grade pleaders to enable them to practise in the District Courts. It is all a matter of detail and the High Court may fix the requisite conditions and may also think of holding separate examinations therefor. All these things are left to the High Court and the latter part of the resolution referring to the rules covers all these aspects. After all, my submission is that it is only a case of the survival of the fittest.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member prepared to accept the view of the High Court on the subject whatever it is?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member be prepared to advise the House to accept the view of the High Court whatever it is?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Certainly. That is just the object of the resolution also.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does the member know that as rules stand at present a vakil who has put in ten years is eligible for the High Court Judge's place?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I am not sure. I think there are other conditions also to be satisfied. In that case I think the vakil ought to be a graduate in Law.

My submission is that even if this privilege is to be extended to the Second Grade pleaders they are not all going to exercise it. Such of them as have extablished a wide and extensive practice in the mofussil Courts will not dare to go to the District Courts even if they are given

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[Mr. N. K. Krishna Pillai.]

this privilege. It is only those vakils who are practising in Courts in places where there are District Courts also who will be practically benefited. So my submission is that this being an innocent resolution it ought to be accepted by this House and I therefore support this resolution.

MR. K. MADHAVAN (*Nominated*): സർ, മിസ്റ്റർ ഡി. സി. ജോസഫ് പിന്നെടുവച്ച റെസല്യൂഷനെ ഞാനും പിന്താങ്ങി പ്രസംഗിക്കുന്നു. ഇന്ത സെക്കണ്ടു ഗ്രേഡു പ്ലീഡർഷിപ്പ് ക്ലാസ്സിൽ പഠിക്കുന്നവർക്കു അവർക്കുടെയ പുത്തി ന്യൂനത്തിയക്കുറവിനുൽ സെക്കണ്ടു ഗ്രേഡു പ്ലീഡർകളാകപോകുന്നതില്ലെ. അവർക്കുടെയുപ്പ പണക്കുറവിനുൽതാൻ പോയിരുക്കുന്നുർകളെന്നു പറയുവാൻ സാധിക്കുന്നതല്ല. സാധാരണ നിലമക്കു വരുവാൻ ഇവർക്കുക്കു ശക്തിയില്ലായെന്നു ഒരു മെമ്പർ പറഞ്ഞുർ. ഞാൻ അറിയുന്നു. വാസ്തവമായ സെക്കണ്ടു ഗ്രേഡു പ്ലീഡർഷിപ്പ് പഠിക്കുന്നവർക്കു 1,000 രൂപായ്ക്കു പുസ്തകങ്ങൾ വാങ്ങി, തങ്കളുടെയ പ്രാക്ടീസ് അഭിവൃദ്ധി ചെയ്യുന്നവർക്കുമുണ്ടു. ആനുൽ ചിലരേ ഇന്ത വിധം ചെയ്യുന്നുർകൾ. കുറച്ചു കാലത്തിനു മുമ്പു എഡിക്കേഷനൽ ഡിപാർട്ടുമെണ്ടിൽ ജോലി ചെയ്തുകൊണ്ടിരുന്നവർകൾ കണക്കു ഉപാദ്ധ്യായർകളാകവും, തലമ ഉപാദ്ധ്യായർകളാകവും, ഉപാദ്ധ്യായർകളാകവും നിയമിക്കപ്പെട്ടാർകൾ. ഇന്തവിധമുക ഇവർകളെയും മുന്നുക്കുക് കൊണ്ടുവരുക്കൂടാതാ? ഇവ്വിധമാക സെക്കണ്ടുഗ്രേഡു പ്ലീഡർകളുടെയ കേസ് അവ്വളവു ദുരം അന്യായമായിരുപ്പതിനുൽ അപ്പടി വരുന്നുകിറവർകളുടെയ മനസ്സു തിരുത്തപ്പെടുത്തുവതു നമതു കടമയെന്നു എന്നുടെയ അഭിപ്രായം ആനതാൽ ഇന്ത റെസല്യൂഷനെ ഞാനും പിന്താങ്ങിച്ചൊൽലുകിറേൻ.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I also like to support the motion brought forward by Mr. D. C. Joseph. Vakils become eligible for practising in the District Court and in the Munsiff's Court by passing the tests prescribed. If the books and subjects prescribed are considered, you would be able to understand that the books which the pleadership students study would enable them better to practise in the District Court than those books which the B. L. students study in their classes. We know as a matter of practice that the Criminal Procedure Code, the Civil Procedure Code, the Marumakkattayan Law, the Ezhava Regulation and other subjects are not taught in the F. L. and the B. L. Classes while these subjects are taught in the Pleadership Classes. In the District Courts of Travancore a vakil has naturally to apply these laws when he appears before the Court. If, as my friend Mr. G. P. Nilakanta Pillai suggested, the passing of examinations is the only test to be considered in that case, I think the pleadership students have got a better right to practise in the District Court than the B. Ls.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Is it the painful experience of the member?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): It is not so. If, as my friend suggested, the passing of examination alone is the

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test, I must say that they have got better qualification to practise in the District Court than the B. Ls. We know that persons who are not eligible to practise in the District Courts in this country go to foreign countries and qualify themselves for enrolling as vakils in the District Courts and High Court and many of the members are aware that a good number of vakils who have gone out like this to foreign countries and qualified themselves and returned to this country have been enrolled as vakils of the High Court even. So the test of examination cannot be considered to be the sole test.

Another very important matter to be considered in the matter of giving permission to vakils to practise in the District Court and the High Court is efficiency. If the question of efficiency is considered we find that there are a good number of Munsiff's Court vakils who are very efficient to conduct cases and I do not see any reason why these vakils who themselves are efficient should be barred from appearing before the District Court. They also read law books published in this country as well as outside, and if they are well equipped there is no reason why this restriction should be placed upon them. With these words I support the resolution.

MR. TAMARAPALLIL KOCHUTOMMAN (*Pattanamtitta*): ഞാൻ മി സ്റ്റർ ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള പ്രമേയത്തെ പിൻതാങ്ങുന്നു. മുമ്പു ഇംഗ്ലീഷ് വിദ്യാഭ്യാസമില്ലാത്ത വക്കീലന്മാർ ധാരാളമുണ്ടായിരിക്കയും അവർ ധാരാളം പണം സമ്പാദിക്കയും ചെയ്തിട്ടുണ്ട്. ഒരു വക്കീലിനേയോ ഒരു ഡാക്ടരേയോ തിരഞ്ഞെടുക്കേണ്ട ചുമതല ഒരു കക്ഷിക്കുള്ളതാണ്. നിയമജ്ഞന്മാരായ മുൻസീഫ്കോർട്ടു വക്കീലന്മാർക്കു ജില്ലാക്കോടതിയിൽക്കൂടി പ്രാക്ടീസ് ചെയ്യുന്നതിനു അനുവാദം കൊടുക്കുന്നതു കൊണ്ടു യാതൊരു വിരോധവുമില്ല. അതുകൊണ്ടു ഇതിനെ സംബന്ധിച്ചു ഹൈക്കോടതി തക്കതായ രൂപംസൃഷ്ടിക്കുന്ന പക്ഷം അനുവാദം കൊടുക്കാമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I rise to support the resolution. I had not thought of speaking on the resolution when it was first introduced; but on hearing certain members I think I must explain my position. Mr. Joseph has certain misgivings that B. Ls in the District Courts are likely to oppose this resolution and another member fears that the B. Ls are likely to support the resolution because they want to face the electorate at the next elections. Because there are two conflicting opinions, I think I must express my opinion very clearly on the matter. The question before the House is, that Second Grade pleaders of Travancore may be authorised to plead and act in their respective District Courts under rules which may be framed by the High Court for the same. As regards the wording of the resolution I find some difficulty. The resolution says that the Second Grade pleaders may be allowed to practise in their respective District Courts, and as Second Grade pleaders are given Sanads

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only to practise in Munsiff's Courts I do not know which are the respective District Courts for the vakils of the Munsiff's Courts. I do not know whether the mover wants to enable the Munsiff's Court vakils under the jurisdiction of the District Courts to practise in those courts without taking fresh Sannads. That position is not clear to me. Anyhow, what I have to state is, when a particular man is given an opportunity to pass examinations in law and allowed to handle cases involving complicated questions of law in the Munsiff's Court, I do not know why he should be debarred from practising in the District Court. The only cases in which the Munsiff Court has no jurisdiction are those coming under Insolvency and Guardians and Wards Regulation. All the original suits in District Courts are of great pecuniary value. So if a man who has passed the Pleadership is not sufficiently well versed in law, I do not know why he should be allowed to spoil the poor man's cases in Munsiff's Courts. If the Government think that the holder of a Pleadership certificate is not well versed in law and if he could not be safely entrusted to handle cases on questions of law, it is better to abolish the examination itself in order to save poor litigants from seeking the help of inexperienced lawyers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member advocate the abolition of the Pleadership Classes then?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When that question comes up I will speak about it. Now that question has not come and I do not commit myself on that point.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മുൻസീഫ്കോടതിവക്കീൽമാർ വല്ല അബദ്ധവും കാണിച്ചുപോയാൽ അതിനെ തിരുത്തുന്നതിനു മുകളിൽ രണ്ടു കോടതികളില്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have not understood the member's question.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മുൻസീഫ്കോടതി വക്കീലന്മാർ കേസുനടത്തുന്നതിൽ വല്ല തെറ്റും കാണിച്ചുപോയാൽ അതിനെ തിരുത്തുന്നതിനു രണ്ടു കോടതികളില്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): No. Not in all cases, *i. e.* in cases of suits which involve amounts larger than thousand rupees there is only one Appeal Court. There are two courts in which the subject matter of suit is less than one thousand rupees.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മുൻസീഫ്കോർട്ടിൽ വല്ല തെറ്റും വന്നാൽ അതിനെ തിരുത്താൻ രണ്ടു അപ്പീൽകോടതികളില്ലേ?

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. P. S. MAHOMED (*Nominated*): ജില്ലാക്കോടതിയിൽ അബദ്ധം വന്നാലും തിരുത്താൻ അപ്പീൽകോടതിയില്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Is it the mistake of the vakil or mistake of the Court?

DEPUTY PRESIDENT: Judges are presumed to be above committing mistakes.

MR. R. RAMAN PILLAI (*Kottayam*): Is the appeal court competent to correct the errors caused by a vakil?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If a Munsiff's Court vakil has spoiled his case you can get a decree modified from an appellate court.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മുൻസിഫ് കോർട്ടിൽ വന്ന തെറ്റ് വക്കിലിന്റെ തെറ്റോ കക്ഷിയുടെ തെറ്റോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the judgment of the court is incorrect, the appellate court can set aside that incorrect finding.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): If the member is in favour of abolishing Pleadership Classes and thereby not permitting Second Grade pleaders to practise in District Courts, is he in favour of abolishing Hospital Assistants and Sub-Assistant Surgeons?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): First of all that question is not before the House. Secondly our Government has no medical examinations to conduct and we need not consider such hypothetical questions. I am sure the House is perfectly aware that an inexperienced doctor is not given more facilities to treat a poor man than a rich man by the Government. If the High Court is of opinion that it is very difficult to frame rules in respect of this matter and if the Government agree, the best course is to leave it to the good sense of the High Court. When we have full confidence in the highest court which is administering law for the whole State, I do not think there will be any danger in leaving the matter entirely to the High Court, to frame necessary rules so as not to materially affect the efficiency of the bar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the High Court is of opinion that such rules cannot be framed and this resolution cannot be accepted, will the member support that view?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I will abide by the decision of the High Court.

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MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : സർ, മിസ്റ്റർ ഡി: സി. ജോസഫ് ഇവിടെ ഹാജരാക്കീട്ടുള്ള പ്രമേയത്തെ പ്രതിക്ഷേപിക്കേണ്ടിവന്നതിൽ എനിക്കതിയായ മനസ്ഥാപമുണ്ട്. വക്കീലന്മാരുടെ സാമർത്ഥ്യത്തേയോ, ബുദ്ധിയേയോ ആശ്രയിച്ചല്ല ഇങ്ങനെ ഒരേപ്പാട വച്ചിട്ടുള്ളത്. ചില തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണ് ഇന്നയിന്ന യോഗ്യതയുള്ളവർ ഇന്നയിന്ന കോടതിയിൽ വ്യവഹരിക്കാൻ പാടുള്ള എന്ന വ്യവസ്ഥചെയ്തിട്ടുള്ളത്. ബി. എൽ. പരീക്ഷ പാസ്സായി ഹൈക്കോടതി വക്കീലന്മാരുടെ ക്രൂത്തിലും സാമർത്ഥ്യക്കുറവും ബുദ്ധിക്കുറവും, കേസു പരിശോധിച്ചു നടത്തുന്നവരും കണ്ടേയ്ക്കാം. അതു പോലെതന്നെ മുൻസീഫ് കോടതി വക്കീലന്മാരുടെ ക്രൂത്തിലും നല്ല സാമർത്ഥ്യവും നിയമപാണ്ഡിത്യമുള്ളവരും ധാരാളമുണ്ട്. അതുകൊണ്ടു അവരെക്കൂടി ഹൈക്കോടതി വക്കീലന്മാരെപോലെ എല്ലാക്കോടതിയിലും വ്യവഹരിക്കുന്നതിനു അനുവാദം കൊടുക്കണമെന്നു ഈ കൌൺസിലിൽ ഒരു പ്രമേയം പാസ്സാക്കണമെന്നു പറയുന്നതിൽ ഒരർത്ഥവുമില്ല. ഏതൊരു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണോ ഈ വ്യത്യാസം കല്പിക്കപ്പെട്ടിട്ടുള്ളതു ആ തത്വത്തിനു വിപരീതമായ ഈ പ്രമേയത്തെ ഞാൻ പ്രതിക്ഷേപിക്കുന്നു.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I should also like to make a few observations on the resolution before the House. All that is necessary, I believe, for vakils—

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : May I know whether he is supporting or opposing ?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : If he would patiently hear me, he can know that.

All that is necessary for a vakil to see is that the safety of his client is properly attended to, to see that he must be able to focus his thought on the point and also be able to separate essentials from non-essentials and prepare the plaint. From the speeches made and from the speech of Mr. Raman Pillai, I gather that there are vakils among Second Grade pleaders who are able to do that. In that case I ask if this resolution is passed, what will be their case? If there are vakils who can ably and cleverly separate essentials from non-essentials and prepare plaints better than graduates-in-law, why not we allow them to practise in the District Court ?

MR. R. RAMAN PILLAI (*Kottayam*) : There are vakils' clerks even who are better able to do this than vakils.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): There is the examination. If the vakils' clerks pass the examination, let them also be vakils.

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MR. R. RAMAN PILLAI (*Kottayam*): But the examination for practice in the District Courts has been taken away.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): It has not been taken away.

MR. R. RAMAN PILLAI (*Kottayam*): It has been. Unless they are graduates they are not allowed to practise.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): All that the resolution now says is that the Second Grade pleaders of Travancore may be authorised to plead and act in their respective District Courts under rules which may be framed by the High Court. This is not an unreservedly large recommendation which asks the Government to allow all pleaders to enrol themselves in District Courts. Only such of those whom the High Court may restrict under rules are allowed to practise. Therefore I would suggest that, subject to such restrictions as the High Court may impose, these Second Grade pleaders may be allowed to plead in District Courts.

DEPUTY PRESIDENT: What is the net result? Are you supporting or opposing?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I will give my vote.

DEPUTY PRESIDENT: Perhaps at the time of voting you will let the House know your views.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to oppose this resolution. I may preface my remarks by saying that both the sides of this question have been threshed to some extent already and that my work now is made considerably easy.

Before I proceed into the merits of the resolution, I would point out that even those who supported the resolution took up the position that this matter should be left to the High Court and that they were prepared to abide by the decision of the High Court, whatever it is, and that they would advise the House to accept the decision of the High Court. That I think is a correct attitude. Sir, after Mr. Joseph gave notice of the resolution before the last meeting, this matter was sent to the High Court for their views and I am today supported by their opinion that the resolution cannot be accepted. Mr. N. K. Krishna Pillai particularly pointed out that this resolution is worded in accordance with the suggestion made by Mr. Subba Aiyar at the last debate and Mr. Joseph has made clear by the wording of his resolution that he left it to the High Court to decide the question by framing the rules, if rules could be made. The High Court have considered the matter and they have come to the conclusion that it is not possible to accept the resolution. I think that this is a short answer but an effective one to those who support the resolution.

On the merits of the resolution I would offer but a few remarks. The profession of the vakil is not one that should be looked upon as intended merely to enable a person to earn a livelihood. That

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is a wrong view to take. No doubt, it does give a livelihood, but it is altogether a wrong view to look at it as if the institution of the Bar was started to provide a livelihood for some men. The institution of the Bar is really an integral part of the machinery for the administration of justice. It is because of this institution that the courts are able to function efficiently and expeditiously and I believe it is not necessary for me to dilate upon this point because I think that all those who are interested in this matter must have read the debate of the last Session. If I proceed to state all my arguments to-day also it will only be a reiteration of what I said then. I may point out, however, the striking fact that the public trust these vakils with their lives and properties so that they may be defended in the courts of law. Their task is thus very onerous and their position involves great responsibility and trust. It has been conceded throughout the world that having regard to the responsibility and onerous position and having regard to the fact that it is an integral part of the machinery for the administration of justice, this profession should be regulated by the legislature. It is not like the profession of the merchant or the agriculturist or the manufacturer in which anybody who wants to follow it may be permitted to enter. The profession of the law is a profession involving such a peculiar responsibility and trust that everywhere legislation has been resorted to, to keep it efficient and pure. Until a long time ago, that is till 1040, there was no legislative provision for regulating admission to the Bar in Travancore. But since then it has always been the rule, the legislative rule, to restrict the entry into the profession to qualified men. Such is the law in England, in the Continent of Europe and everywhere. The law in Travancore as it stands goes further and says practically that in this matter the High Court is the final judge as to who shall and who shall not be a vakil, because it is an integral part of the machinery of the administration of justice. It is not left to the Government to say who shall be vakils and who shall not be vakils. In this country administration of justice is entrusted fully to the High Court and they have to look to the parts of the machinery for the administration of justice. Looking at it from that point of view this rule for the admission of vakils should be left to the High Court and not to the Government. The position to-day of the Government is that even if they wanted to accept this resolution they cannot do it. They cannot even direct the High Court to frame a rule as indicated by the resolution. That is the legal position. I think it is necessary that it should be brought home to the House. The law that now operates is the Vakils' Regulation of 1075. The provision of Section 4 of that Regulation lays down :

"The High Court may from time to time, make rules with Our sanction, consistent with this Regulation, as to the following matters, (namely)—

(a) The qualifications, admission and certificate of proper persons to be vakils of the High Court and subordinate courts."

It will be seen that it is the High Court that should make the rules, the Sovereign has only to accord sanction to that. The Government cannot even direct the High Court to make rules of any

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particular effect. If the Government suggest it may be accepted or not accepted. If this resolution is to be accepted what have the Government to do? Are they to direct the High Court? To do that would be to go against the very mandate given by this House by the Vakils' Regulation. No doubt it may be asked whether the High Court could not be consulted. That has already been done and they have said that it is not possible to accept this resolution. It seems to me that it is a very wise decision. If the House now asked the Government that the rules should be changed they will be going against their own prior mandate. Having regard to this aspect of this resolution, this resolution should be withdrawn forthwith. But, Sir, I am not desirous that it should be left at that. I am ready to support the High Court's view on the merits. As I said at the preface of my remarks the profession of the Bar is an integral part of the machinery for the administration of justice. What ought to be the view of the House on this resolution if we look at it in that light? This must be looked at only in one way, namely, that the bar is intended as part of the machinery for the administration of justice and not for giving scope for employment to persons. If that is done a ready solution will be found for all the questions that arise in the present debate. The first question that has to be asked by this House is, is there any necessity for admitting Second Grade pleaders to the District Court? For the sake of argument I am prepared to admit that there may be Second Grade pleaders who may be able to stand comparison with First Grade pleaders.

MR. A. THANU PILLAI (*Trivandrum*): May I know what objection there is in making use of the services of able men who come under this class in the administration of justice?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is exactly what I propose to answer. The first question as I said is, is it necessary? Remember that the Bar is only a part of the machinery for the administration of justice. From that view consider whether it is necessary to admit to the District Court any Second Grade pleader at all. Do not look at it from the point of view of Second Grade pleaders who want higher employments.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will there not be greater uniformity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not a question of uniformity. The question is, is it necessary?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there not a tendency now-a-days to have as much uniformity as possible?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case I would say that it would be the properest course to abolish Pleadership altogether, in course of time. We cannot do away with the existing Second Grade pleaders. We do not want to send them out of the profession. The persons who are practising have vested

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rights, and they should not be deprived of those rights. To-day, again, it may not be possible to fill all the Munsiffs' courts with graduate vakils. But it can be in the near future. The question is not one of uniformity now. It is, is it necessary? If it is said that the number of vakils for the District Courts is not sufficient and that therefore the public are inconvenienced, then I can understand there is necessity for admitting more vakils, into those courts. As long as there is no such complaint I do not see any *necessity* for admitting Second Grade pleaders as First Grade. Once again I would reiterate that the point of view from which you should look at it is not whether it would afford employment to the Second Grade pleaders but from the point of view of administration of justice. With regard to the number of graduate vakils available for the Travancore Courts, some statistics have been collected. The Principal of the Law College has given it as his view that on the average eighty six B. L's are turned out every year. Almost all of them become vakils. If all these are added on you will have a large number of vakils. Now once again look at it from the point of view of administration of justice and not of the Second Grade pleaders. What is the necessity I ask. Here are a large number of graduate vakils available. This matter came to the attention of the Unemployment Committee and I would crave the leave of the House to read the particular portions of it where they deal with these B. L's and Vakils. This is what the Committee say in one portion, in paragraphs 29 and 30:

"The number of B. L's and pleaders practising in the Courts of the State has increased from 1105 in 1922 to 1640 in 1927 or nearly 50 per cent. The number of B. L's and First Grade Pleaders has increased in the last six years from 436 to 700 and the number of Second Grade Pleaders from 669 to 940. Comparing the figures in the Census Reports of 1901, 1911 and 1921 it is seen that the number of persons following the profession increases by 66·6 per cent during the first decade and 75·6 per cent during the second decade. The increase in the Madras Presidency during the decade (1911-1921) was only 34 per cent. According to the figures contained in the volumes on the statistics of Travancore the total number of suits and appeals has increased since 1097/1922 only by about 12 per cent. The increase in the volume of litigation is quite disproportionate to the increase in the number of lawyers and it has actually been decreasing since 1100/1925.

"From these figures and from the almost unanimous testimony of our witnesses and from the fact that B. L's of 3 or 4 years' standing are seen accepting clerical appointments on Rs. 25 or Rs. 30 per mensem, we cannot avoid the conclusion that the legal profession is very much overcrowded. There is obviously an enormous extent of under employment and consequent lowness of remuneration. The acute distress of numbers of junior lawyers would be revealed if we could estimate the average annual income in the profession. But the data for getting at this information are insufficient, and we are unable to make an estimate."

Then again in another para, paragraph 94, they say —

"Before taking up the discussion of general educational reform, we shall deal with and dispose of one or two matters relating to Professional Education. The facilities provided in the State for legal education err on the side of excess and have caused the overproduction of lawyers, the results of which are deplored by all competent observers. We deprecate the tendency which is unfortunately only too prevalent of looking upon the practice of law simply as a means of livelihood and of resenting any attempt on the part of the State as the representative of the community to restrict the output of

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lawyers. The supply of lawyers has exceeded the demand of society for their services, and it is right of the State which creates lawyers, nay it is its duty, to interfere in the interests of society."

Now then, Sir, the question that I raised was, is it necessary to admit these Second Grade pleaders in the public interests to practise in the District Courts? It seems that there is absolutely no necessity whatever to do that. Then again, another question that will arise is, is it advantageous to the public? It will be readily conceded that as a class the Graduate Vakils are better than the Second Grade pleaders. There may be exceptions but we can only be guided by the general rule. If it is conceded that a graduate vakil is better than the Second Grade pleaders, the question is, is it advantageous to permit the Second Grade pleaders to practise in the District Courts, is it advantageous in the public interests? I shall call for brevities sake B. L's or graduates in law as first class vakils and the pleaders the non-graduates as second class vakils. I do not mean any disparagement by my referring to the pleaders as second class vakils. If there is first class material available in sufficient numbers for the District Court, why should we go in for a second class material? I ask is it advantageous to do so. Consider this point not from the point of view of the Second Grade pleaders who want to secure higher employment but in the interests of the public at large and in the interests of the administration of justice. It seems to me that it is not at all advantageous from the point of view of the public to admit the Second Grade pleaders to the District Court.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know from the member whether it is not time to consider the question of abolition of the Pleadership Class?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I think that in some near time the question will come up. It is no doubt true we are admitting second class material for the Munsiffs' Courts. A time will come when we will be able to provide the Munsiffs' Courts also with first class material. Then there will be uniformity also. Today in England there is only one class of men at the Bar, because the institution of the Bar has been in existence for very many years there. We began the institution of a real Bar here only in 1040. At that time we had no graduate vakils even for the High Court. Therefore having regard to expediency, we had to draft Ramayana and Maha Bharata Vakils even in the High Court. When first class material is available today, why should we go in for an inferior material? We have been advancing step by step. One step was to allow graduate vakils alone to plead in the High Court and the next step was to allow graduates alone to practise in the District Courts. Till about 20 years ago a non-graduate can become a District Court vakil if he had five years' practice in a civil court or had served in the Judicial Department for 5 years. That rule was abolished 20 years ago when it was found possible to provide first class material for the District courts also. What the resolution wants is that we should go back, literally take a retrograde step. That is the subject of the resolution moved by Mr. Joseph.

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[Mr. Kayalam Paramesvaran Pillai]

There has been no complaint from the public during these twenty years as regards this matter and it now arises only from the Second Grade pleaders. Three years ago a conference of Second Grade pleaders was held and they passed a resolution that they should be allowed to practise in the District Courts; *i. e.*, they wanted scope for higher employment. Since then we hear of this proposal in the Council chamber and in the Assembly. Thus the cry comes not from the public at large but from those who are looking for higher employment in the department of administration of justice. The House has to bear in mind that really the public stand to lose and never to gain by accepting this resolution. If so the resolution will be found to be unacceptable.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know from the member whether the High Court have given any reasons?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have not given any reasons.

MR. D. C. JOSEPH (*Agastisvaram*): Sir, sufficient arguments were advanced for and against the resolution now before the House and a lot of things were said against the poor Second Grade pleaders. But at the same time their services also were recognised. Before I heard the learned speech of the Law Member, I anticipated that the Government would oppose the resolution. The Law Member himself confesses that Government are quite unable to go behind the decision of the High Court and that they are helpless in the matter. Further there is one thing that has affected. As the Government are not able to control the High Court for the last several years the work in the Judiciary is not satisfactory. I find there is a lot of opposition against the poor Second Grade pleaders and that there is nothing against the so called well equipped legal luminaries who are in the State service. As there is a lot of opposition against the resolution, I withdraw it.

The resolution was by leave withdrawn.

ECONOMIC SURVEY.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Karikapalli*): I beg to move the following resolution:-

"This Council recommends to the Government that steps be taken for making an economic survey of the State".

Sir, my object in moving this resolution is to impress upon the Government and this Council the imperative necessity of undertaking an economic survey with a view to devise means for the economic regeneration of the country. Before explaining the term "Economic Survey", I will state (*louder, please*) what induced me to bring forward this resolution. The Great World War has taught almost all nations that without economic progress and economic independence there could not

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